

REMARKS

Claims 1-9, 11-29, and 31-33 are pending in the current application. Claims 9, 11-21, 26-29, 31 and 33 are withdrawn from consideration.

Claims 1, 9, 18, 22 and 26 have been amended to specify an oil and water permeable membrane or fabric between the layer of oil adsorbing material and the layer of oil absorbing material. In addition, method claim 26 has been amended to be commensurate in scope with apparatus claim 1, claim 28 has been amended to conform to the new language of claim 26, and claim 30 has been cancelled as being redundant of amended claim 26. Support for the amendments to claims 1, 9, 18, 22 and 26 can be found, for example, at paragraphs 0021, 0022, 0025, 0027, and elsewhere in the specification. Accordingly, no new matter has been added by way of these amendments, and entry of the amendments is respectfully requested.

Restriction Requirement

At the top of page 2 of the Office Action, the Examiner responds to Applicants' traversal of the Restriction Requirement. The Examiner argues that the oil containment system of Group I (e.g., claim 1) could still be made by another process, different from that of Group II (e.g., claim 26). For example, the Examiner contends that the system could be made by a process which merely places the layer of oil adsorbing material on top of the layer of oil absorbing material, instead of covering this oil absorbing material with the oil adsorbing material.

Applicants again strenuously traverse the Examiner's requirement, because the Examiner has not stated the proper standard for restriction of the process from the system made by the process. In order to be distinct, the rules require that the system could be made by another materially different process. The alternative process stated by the Examiner is not materially different in respect to the operative steps. In any event, claim 26 has now been amended to be more commensurate in scope with the system claim 1. Accordingly, reconsideration and withdrawal of the Restriction Requirement and examination of claims 26-29 and 31 are respectfully requested.

Rejection under 35 USC § 102

Examiner has rejected claims 1-8, 22 to 25, and 32 as anticipated by U.S. Patent No. 6,485,639 of Gannon et al. ("Gannon"). Specifically, the Examiner contends that Gannon discloses an oil containment system comprising a container, a first layer of polymeric oil-absorbing material in the container, and additional layers of treatment material above this first layer, which additional layers contain an oil adsorbing material. The Examiner further contends that Gannon includes fire retardant material (i.e., stones) covering the layer of oil absorbing material, and permeable membranes positioned above and below the oil absorbing material. The Examiner concludes that this is all that is required by the claims.

Applicants appreciate the Examiner's apparent withdrawal of all of the previous grounds of rejection. However, Applicants respectfully but strenuously traverse the Examiner's new grounds of rejection for the reasons set forth in detail below.

Gannon teaches a filtration media for hydrocarbon-containing liquid, employing polymeric absorbents, and a filtration enabler intimately mixed with the polymeric absorbents. The filtration enabler may be made of a variety of materials, some of which could be categorized as adsorbent.


The present invention is distinguished from Gannon in that, in all cases described in Gannon, the filtration enabler is intimately mixed with the polymeric absorbent. See, for example, column 2, lines 46 to 48; column 3, lines 9 to 10, 41 to 42 and 58 to 59; column 4, lines 17 to 18 and 36 to 37 of Gannon.

In contrast, the present invention is directed to an oil spill containment system comprising a layer of oil absorbing material and a layer of oil adsorbing material. By definition, these two layers are distinct and not intimately mixed, since, otherwise, they would be one layer and not two. Nevertheless, to make this feature more explicit and further distinguish the present invention from Gannon, applicant has amended claims 1, 9, 18, 22 and 26 to further characterize the invention as having an oil and water permeable membrane or fabric between the layer of oil adsorbing material and the layer of oil absorbing material. No such membrane or fabric is present in Gannon's filtration media, since the polymeric absorbent and filtration enabler of

Gannon are intimately mixed, so that they are not distinct layers and have no permeable membrane therebetween.

In conclusion, taking into consideration the above remarks and the amendments, it is submitted that all of the claims are in condition for allowance, and reconsideration and a Notice of Allowance are respectfully solicited.

Respectfully submitted,
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(Date)

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WWS/rc
Enclosure – Petition for Extension of Time (one month)